

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEELAN HARRIS,

Plaintiff,

V.

FBOP, *et al.*,

Defendants.

CASE NO. 4:18CV156

JUDGE BENITA Y. PEARSON

MEMORANDUM OF OPINION AND ORDER

I.

Pro se Plaintiff Keelan Harris, a federal prisoner in the custody of the Bureau of Prisons at FCI Elkton in Lisbon, Ohio, has filed this civil rights action, pursuant to [*Bivens v. Six Unknown Named Agents*, 403 U.S. 388 \(1971\)](#), against the Federal Bureau of Prisons (“FBOP”) and fifteen federal officials or employees of FCI Elkton or the FBOP, alleging his constitutional rights are being violated because he has been unable to obtain a marriage license to marry his fiancée. [ECF No. 1](#). Plaintiff seeks monetary damages. *Id.* For the reasons that follow, the Court partially dismisses Plaintiff’s Complaint pursuant to 28 U.S.C. §§ [1915\(e\)\(2\)\(B\)](#) and [1915A](#).

II.

Federal district courts are expressly required, under 28 U.S.C. §§ [1915\(e\)\(2\)\(B\)](#) and [1915A](#), to screen all *in forma pauperis* complaints and all actions in which a prisoner seeks redress from governmental officials or employees, and to dismiss before service any such action that the court determines is frivolous or malicious, fails to state claim on which relief may be

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granted, or seeks monetary relief against a defendant who is immune from such relief. See [Hill v. Lappin](#), 630 F.3d 468, 470-71 (6th Cir. 2010).

Upon review, the Court finds that Plaintiff's Complaint must be dismissed as against the FBOP. *Bivens* actions may only be brought against individual federal officials alleged to have violated a plaintiff's constitutional rights. See [Correctional Services Corp. v. Malesko](#), 534 U.S. 61, 70, 122 S.Ct. 515, 521, 151 L.Ed.2d 456 (2001). Accordingly, the Complaint fails to state a plausible claim for relief against the FBOP in this *Bivens* action.

The Court will allow the action to proceed against the remaining Defendants. Broadly construed, the Complaint appears to allege that all of the individual Defendants were involved, in some capacity, in violating Plaintiff's constitutional rights by failing to assist him in obtaining a marriage license while incarcerated; denying his marriage request; or, retaliating against him for exercising his constitutional rights to seek a marriage license and file grievances. [ECF No. 1](#).

III.

Therefore, Plaintiff's Complaint is hereby dismissed as against the FBOP pursuant to 28 U.S.C. §§ [1915\(e\)\(2\)\(B\)](#) and [1915A](#). The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this dismissal could not be taken in good faith.

This action may proceed as against the remaining individual Defendants. The Clerk's Office is directed to forward the appropriate documents to the U.S. Marshals for service of process on the remaining Defendants, and **a copy of this order shall be included with the documents to be served.**

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IT IS SO ORDERED.

June 7, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge